

REMARKS

After entry of the present amendments, claims 1, 4, and 6-9 remain in the application, with claims 1 and 6 in independent form. By the present amendment, claims 1, 4, and 6 have been amended. Claims 2-3 and 5 were previously cancelled. Support for the amendments can be found on page 5 in the paragraph starting on line 33. Claims 7-9 have been added. Support for claims 7 and 8 can be found on page 5 in the paragraph starting on line 33. Support for claim 9 can be found on page 14 in the paragraph starting on page 33. As such, no new matter has been added.

Interview Summary

On May 31, 2006 the Applicants' attorney conducted a telephonic interview with the Examiner wherein the present amendments were discussed. Specifically, the Examiner suggested limiting independent claims 1 and 6 to the compounds (i) listed as particularly preferred on page 5 in the paragraph starting on line 33, since the more preferred grouping of compounds (i) does not include any of the compounds that are disclosed or taught in Bodnar et al. The Examiner stated that such claims would overcome the 35 U.S.C. §102(b) rejections over Bodnar et al. The Applicants also discussed the content of a prior interview in which the Examiner suggested the present amendments.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 4, and 6 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Bodnar et al (U.S. Patent No. 5,143,945). The Examiner relies on the disclosure of Bodnar et al. as disclosing preparation of polyurethane foams made in the presence of acrylic acid. Although acrylic acid was previously claimed as a suitable compound (i) in claims 1 and 6, the amended claims 1 and 6 now claim a more preferred group of compounds (i) that do not

include acrylic acid or any of the other carboxylic acids that are disclosed or taught in Bodnar et al.

Lack of Basis for Future Rejections Under 35 U.S.C. §103

There is also be no basis for an obviousness rejection of the present claims over Bodnar et al. because Bodnar et al. is not analogous art to the present claims. More specifically, Bodnar et al. discloses the acrylic acid as a component in a blowing agent mixture in order to obtain a desired blowing action, as indicated in column 4 in the paragraph starting on line 40. The compounds (i) claimed in the present claims are used for reacting with primary amine dissociation products in order to prevent deterioration in use properties of the polyurethane foam. One faced with the problem of preventing deterioration in polyurethane foam would not look to the blowing agents disclosed in Bodnar et al. in order to achieve those ends. As such, Bodnar et al. is not available as a reference for rejecting the present claims under 35 U.S.C. §103(a).

Because claim 1 as amended includes limitations neither found in nor made obvious in view of the prior art, including Bodnar et al., the Applicants submit that all rejections are overcome and claims 1 and 6, as well as the claims that depend therefrom, are now in condition for allowance, which allowance is presently requested.

Applicants respectfully submit that the claims as amended are now in condition for allowance and respectfully requests such allowance. The Commissioner is authorized to charge the Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

June 29, 2006

Date



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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Request for Continued Examination, Amendment and fee are being deposited with the United States Postal Service as Express Mail , Label No. EV 798210835 US postage prepaid, addressed to Mail Stop RCE . Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on June 29, 2006.



Sandra Barry